

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

James A. Burk & Summer Hilfers, :
Plaintiffs, : Case No. 2:20-cv-06256
v. : Judge Graham
Joseph Fihe & Kevin Winchell, :
Defendants. :

SPECIAL VERDICT #10 – POST-TRAUMATIC STRESS DISORDER (PTSD)

You have determined that Defendant Joseph Fihe violated Plaintiff James Burk's constitutional rights by pointing his gun at Plaintiff James Burk, that Defendant Joseph Fihe violated Plaintiff James Burk's constitutional rights by using excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car, and that Defendants Joseph Fihe and Kevin Winchell violated Plaintiff James Burk's constitutional rights by subjecting him to an unlawful detention when they placed him in Officer Winchell's patrol car.

Do you find, by a preponderance of the evidence, that one or more of these constitutional violations was a direct and proximate cause of Plaintiff James Burk's Post-Traumatic Stress Disorder (PTSD)?

YES X
NO

If yes, state the amount of noneconomic damages to be awarded to Plaintiff James Burk for his PTSD.

Amount: \$ 900,000

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
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James A. Burk & Summer Hifers, :
Plaintiffs, : Case No. 2:20-cv-06256
v. :
Joseph Fihe & Kevin Winchell, :
Defendants. : Judge Graham

SPECIAL VERDICT #10 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #10.

DATE: 11 - 15 - 24

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

:

James A. Burk & Summer Hilters, :
Plaintiffs, : Case No. 2:20-cv-06256
v. : Judge Graham
Joseph Fihe & Kevin Winchell, :
Defendants. :
:

SPECIAL VERDICT #11 – LOST WAGES

You have determined that Defendant Joseph Fihe violated Plaintiff James Burk's constitutional rights by pointing his gun at Plaintiff James Burk, that Defendant Joseph Fihe violated Plaintiff James Burk's constitutional rights by using excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car, and that Defendants Joseph Fihe and Kevin Winchell violated Plaintiff James Burk's constitutional rights by subjecting him to an unlawful detention when they placed him in Officer Winchell's patrol car.

Do you find, by a preponderance of the evidence, that one or more constitutional violations was a direct and proximate cause of Plaintiff James Burk's lost wages?

YES

NO

If you answered YES above, you must determine the amount of lost wages to be awarded to Plaintiff James Burk. A Plaintiff claiming lost wages is expected to use reasonable diligence to seek out substantially equivalent positions. Defendants carry the burden of showing the availability of substantially equivalent positions and that Plaintiff failed to use reasonable diligence to seek them out. If you find that Defendants have shown, by a preponderance of the evidence, that Plaintiff James Burk did not use reasonable diligence in seeking out substantially equivalent positions available to him, you must reduce the award of lost wages by the amount that he could have reasonably received from the substantially equivalent position.

Amount: \$ _____

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

:
James A. Burk & Summer Hilfers, :
 : **Case No. 2:20-cv-06256**
Plaintiffs, :
 : **Judge Graham**
v.
Joseph Fihe & Kevin Winchell, :
 :
Defendants. :
 :

SPECIAL VERDICT #11 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #11.

DATE: 11-15-24

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

James A. Burk & Summer Hilfers, : Case No. 2:20-cv-06256
Plaintiffs, :
v. : Judge Graham
Joseph Fihe & Kevin Winchell, :
Defendants. :

SPECIAL VERDICT #12 – LOSS OF CONSORTIUM

You have determined that Defendant Joseph Fihe violated Plaintiff James Burk's constitutional rights by pointing his gun at Plaintiff James Burk, that Defendant Joseph Fihe violated Plaintiff James Burk's constitutional rights by using excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car, and that Defendants Joseph Fihe and Kevin Winchell violated Plaintiff James Burk's constitutional rights by subjecting him to an unlawful detention when they placed him in Officer Winchell's patrol car.

Do you find, by a preponderance of the evidence, that one or more constitutional violations was a direct and proximate cause of Plaintiff Summer Hilfers' loss of consortium, which includes services, society, companionship, comfort, sexual relations, love, and solace?

YES

NO _____

If yes, state the amount of damages to be awarded to Plaintiff Summer Hilfers for loss of consortium.

Amount: \$ 400,000

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

James A. Burk & Summer Hilfers, :
Plaintiffs, : Case No. 2:20-cv-06256
v. : Judge Graham
Joseph Fihe & Kevin Winchell, :
Defendants. :

SPECIAL VERDICT #12 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #12.

DATE: 11-15-24

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
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James A. Burk & Summer Hilfers, :
Plaintiffs, : Case No. 2:20-cv-06256
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Joseph Fihe & Kevin Winchell, :
Defendants. :
:

SPECIAL VERDICT #13 – RIGHT SHOULDER INJURY – NONECONOMIC DAMAGES

Do you find, by a preponderance of the evidence, that Defendant Joseph Fihe's use of excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car was a direct and proximate cause of Plaintiff James Burk's right shoulder injury?

YES

NO

If yes, state the amount of noneconomic damages, including pain and suffering, mental anguish, embarrassment, humiliation, and any other intangible loss, to be awarded to Plaintiff James Burk for his shoulder injury.

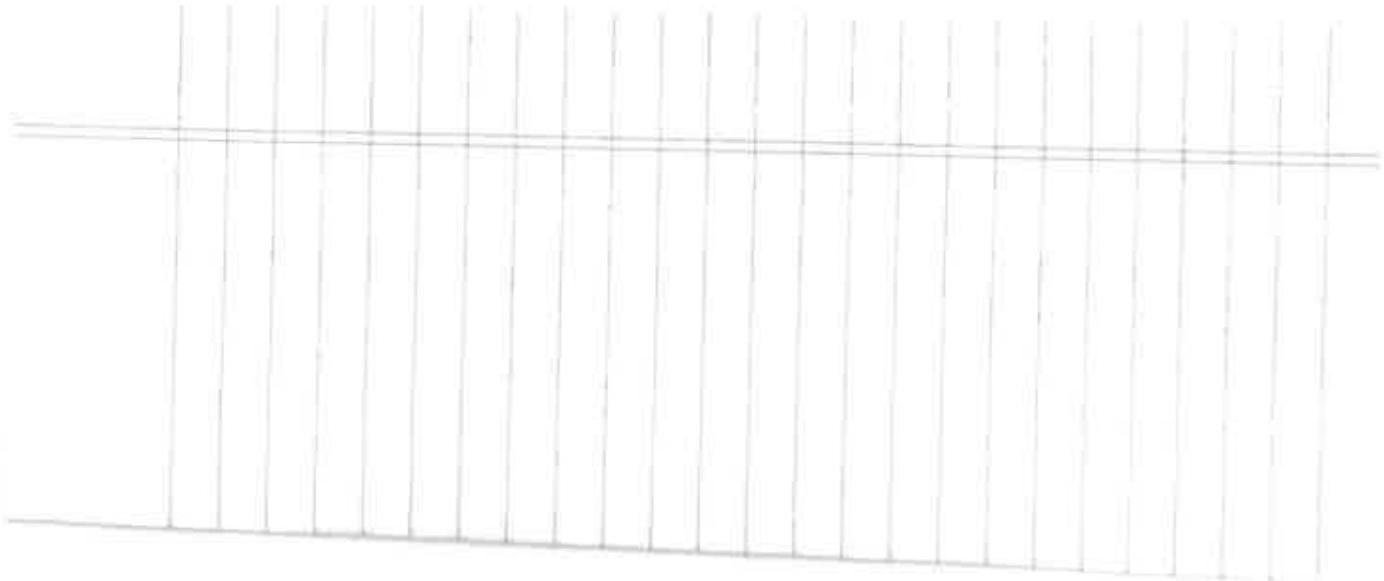
Amount: \$

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

:
James A. Burk & Summer Hilfers, :
 : Case No. 2:20-cv-06256
Plaintiffs, :
 : Judge Graham
v. :
Joseph Fihe & Kevin Winchell, :
 :
Defendants. :
 :

SPECIAL VERDICT #13 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #13.



DATE: 11-15-24

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

:
James A. Burk & Summer Hilfers, :
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Plaintiffs, :
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: :
Defendants. :
:

SPECIAL VERDICT #14 – POINTING GUN – NONECONOMIC DAMAGES

If you find that Plaintiff James Burk is entitled to noneconomic damages, including pain and suffering, mental anguish, embarrassment, humiliation, and any other intangible loss, as a result of Defendant Joseph Fihe's use of excessive force in pointing his gun at Plaintiff James Burk, state the amount of such noneconomic damages.

Amount: \$ 300,000

If you choose to award no noneconomic damages as a result of Defendant Joseph Fihe's use of excessive force in pointing his gun at Plaintiff James Burk, you may award nominal damages, such as \$1. If you choose to award nominal damages, state the amount.

Amount: \$ _____

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James A. Burk & Summer Hilfers,	:	
	:	Case No. 2:20-cv-06256
Plaintiffs,	:	
v.	:	Judge Graham
	:	
Joseph Fihe & Kevin Winchell,	:	
	:	
Defendants.	:	

SPECIAL VERDICT #14 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #14.

DATE: 11-15-24

**IN THE UNITED STATES DISTRICT COURT
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Plaintiffs,	:
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Defendants.	:

SPECIAL VERDICT #15 – EXCESSIVE FORCE IN PLACING MR. BURK IN PATROL CAR
– NONECONOMIC DAMAGES

If you find that Plaintiff James Burk is entitled to noneconomic damages, including pain and suffering, mental anguish, embarrassment, humiliation, and any other intangible loss, as a result of Defendant Joseph Fihe's use of excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car, state the amount of such noneconomic damages.

Amount: \$ 0

If you choose to award no noneconomic damages as a result of Defendant Joseph Fihe's use of excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car, you may award nominal damages, such as \$1. If you choose to award nominal damages, state the amount.

Amount: \$ _____

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Joseph Fihe & Kevin Winchell, :
Defendants. : Judge Graham

SPECIAL VERDICT #15 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #15.

DATE: 11-15-24

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

James A. Burk & Summer Hilfers,	:	
	:	
	:	
Plaintiffs,	:	Case No. 2:20-cv-06256
	:	
v.	:	
	:	Judge Graham
Joseph Fihe & Kevin Winchell,	:	
	:	
Defendants.	:	

SPECIAL VERDICT #16 – UNLAWFUL DETENTION – NONECONOMIC DAMAGES

If you find that Plaintiff James Burk is entitled to noneconomic damages, including pain and suffering, mental anguish, embarrassment, humiliation, and any other intangible loss, as a result of his unlawful detention in Officer Winchell's patrol car, state the amount of such noneconomic damages.

Amount: \$ 0

If you choose to award no noneconomic damages as a result of his unlawful detention in Officer Winchell's patrol car, you may award nominal damages, such as \$1. If you choose to award nominal damages, state the amount.

Amount: \$ _____

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Joseph Fihe & Kevin Winchell,	:	
Defendants.	:	

SPECIAL VERDICT #16 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #16.

DATE: 11-15-24

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
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James A. Burk & Summer Hilfers, :
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Defendants. :

SPECIAL VERDICT #17 – PUNITIVE DAMAGES – DEFENDANT JOSEPH FIHE

Have Plaintiffs proven, by a preponderance of the evidence, that Defendant Joseph Fihe acted maliciously, or wantonly, or oppressively in the course of violating the constitutional rights of Plaintiff James Burk?

YES

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NO

If Yes, state the amount of punitive damages, if any, you choose to award against Defendant Joseph Fihe.

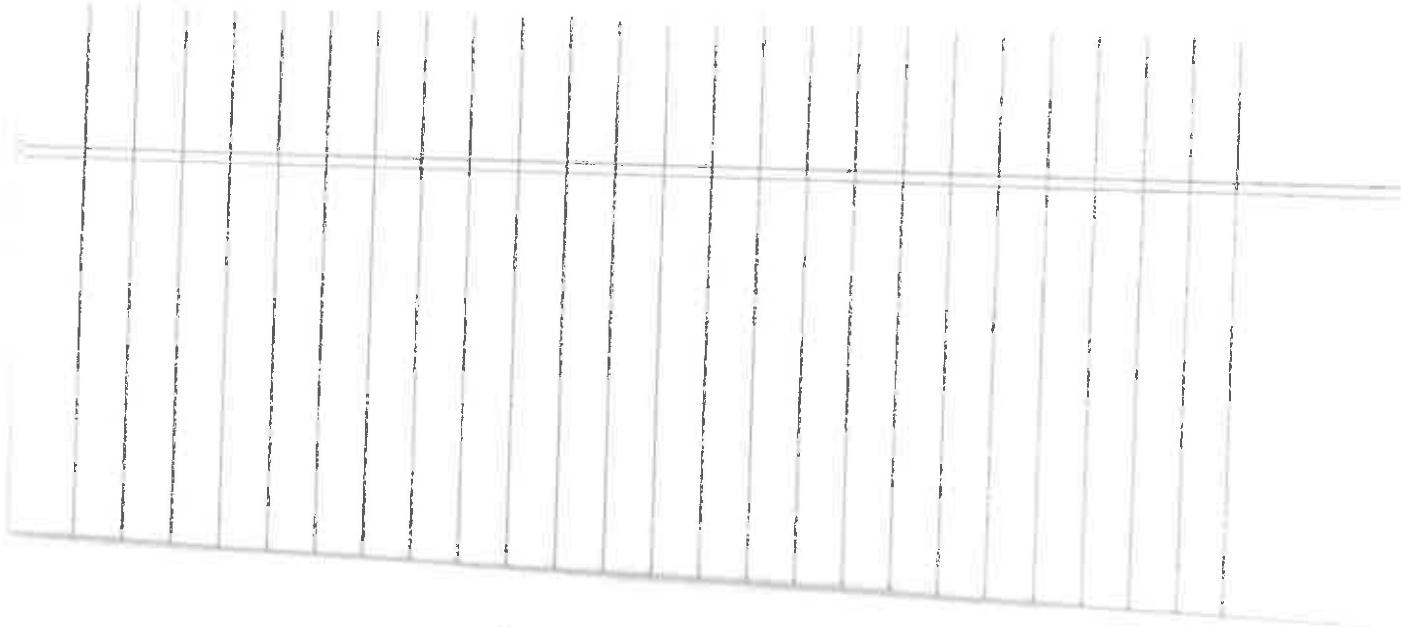
Amount: \$ 10,000

IN THE UNITED STATES DISTRICT COURT
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James A. Burk & Summer Hilfers, : Case No. 2:20-cv-06256
Plaintiffs, :
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Joseph Fihe & Kevin Winchell, :
Defendants. :

SPECIAL VERDICT #17 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #17.



DATE: 11-15-24

IN THE UNITED STATES DISTRICT COURT
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Defendants. :

SPECIAL VERDICT #18 – PUNITIVE DAMAGES – DEFENDANT KEVIN WINCHELL

Have Plaintiffs proven, by a preponderance of the evidence, that Defendant Kevin Winchell acted maliciously, or wantonly, or oppressively in the course of violating the constitutional rights of Plaintiff James Burk?

YES _____
NO

If Yes, state the amount of punitive damages, if any, you choose to award against Defendant Kevin Winchell.

Amount: \$ _____

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	:	
v.	:	Judge Graham
	:	
Joseph Fihe & Kevin Winchell,	:	
	:	
Defendants.	:	
	:	

SPECIAL VERDICT #18 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #18.

DATE: 11-15-24